

Mr. Vince Ryan  
Harris County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002

Dear Mr. Ryan,

Thank you for your letter dated October 11, 2013, regarding the San Jacinto River Waste Pits Superfund Site (Site). I would be happy to meet with you to discuss the Site. Please contact my office so that the arrangements can be made.

By way of background, the Draft Feasibility Study (FS), which evaluates various alternatives for remediating the Site, is currently under review by several agencies, including the EPA, the Texas Commission on Environmental Quality, Harris County, and the Port of Houston. Following completion of this review, comments regarding the draft will be sent to the Potentially Responsible Parties for modification of the Draft FS as necessary. Following EPA approval of the FS, a Proposed Plan will be prepared to recommend a remedial action alternative for public comment. Following the public comment period, a final remedial action will be selected by EPA in consultation with the Texas Commission on Environmental Quality in a Record of Decision document.

The Draft FS submitted by the Potentially Responsible Parties recommends Alternative 3; this alternative includes a cap, monitoring, and institutional controls, but no removal of dioxin containing material. However, the EPA does not select remedial actions based on the recommendations of the Potentially Responsible Parties. The remedial action for a site is selected based on nine criteria contained in the National Contingency Plan, including protectiveness, compliance, long term effectiveness, short term effectiveness, reduction of toxicity, mobility, or volume, implementability, cost, state/support agency acceptance, and community acceptance. The EPA will apply these criteria for selecting the remedy for the Site. The alternatives considered in the Draft FS range from no action to removal of the dioxin contaminated material. After consideration of the nine criteria, the remedy selected by EPA in the Record of Decision may be one of the alternatives in the Draft FS, or a modification of an existing alternative, or it may be a technology that is not currently considered in the Draft FS.

The comments received from the agencies performing the reviews will be very helpful in identifying any necessary changes in the Draft FS. The U.S. Corps of Engineers is currently performing an assessment of the cap installed as a part of the Time Critical Removal Action. The results of this assessment would be very useful to EPA and the other reviewing agencies in reviewing the Draft FS. It was hoped that this report would already be available, however it now appears that it will be completed by November 1, 2013. To provide time for the reviewers to consider the Corps' results, the EPA recently extended the request for comments to mid-November.

Looking forward to meeting with you.

Sincerely,

Ron Curry  
Regional Administrator

